

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDUARDO MONTOYA,

Plaintiff,

- against -

EMPIRE STATE DEVELOPMENT CORP.,  
NAT'L RAILROAD PASSENGER CORP.,  
MOYNIHAN STATION DEV. CORP.,  
SKANSKA USA CIVIL NORTHEAST,  
INC., VORNADO REALTY, L.P.,  
SKANSKA USA, INC., THE RELATED  
COMPANIES, INC., MOYNIHAN  
INTERIM TENANT, L.P., AND THE  
RELATED COMPANIES, L.P.,

Defendants.

**ORDER**

19 Civ. 4092 (PGG) (OTW)

PAUL G. GARDEPHE, U.S.D.J.:

On May 7, 2019, Defendants removed this action to the Southern District of New York on the grounds that Defendant National Railroad Passenger Corporation, d/b/a Amtrak, “is federally chartered and a federally owned corporation under Federal Law within the meaning of 28 U.S.C. § 1331.” The Notice of Removal further states that actions “involving federally chartered and federally owned corporations arise under federal law within the meaning of 28 U.S.C. [§] 1331,” and that this Court “has pendent jurisdiction over the plaintiffs’ state law claims and/or supplemental jurisdiction pursuant to 28 U.S.C. § 1443.” (Notice of Removal (Dkt. No. 1) at 2-3)

In a March 9, 2020 letter to Judge Wang (Dkt. No. 25), to whom this action was referred for general pre-trial (Dkt. No. 15), Plaintiff attaches an executed stipulation, in which Plaintiff’s claims are discontinued “to the extent asserted against the National Railroad Passenger

Corporation ([“]Amtrak[”]).” (March 9, 2020 Ltr. (Dkt. No. 25)) Plaintiff requests that the Court “issue an Order remanding this matter to the Supreme Court of the State of New York, County of New York, Index No. 153869/2019.” (*Id.* at 1)

In a March 19, 2020 letter, the remaining Defendants join Plaintiff’s request that this action be remanded. (March 19, 2020 Ltr. (Dkt. No. 28) at 2)

With the dismissal of Amtrak, there is no basis for the exercise of subject matter jurisdiction. Accordingly, with the consent of Plaintiff and the remaining Defendants, this case is hereby remanded. The Clerk of Court is directed to close this case, and to return this matter to the Clerk of Supreme Court of the State of New York, New York County.

Dated: New York, New York  
March 20, 2020

SO ORDERED.



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Paul G. Gardephe  
United States District Judge